

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. LAMBERTSON,
Plaintiff,
v.
G. D. LEWIS,
Defendant.

Case No. [12-cv-05122-JD](#)

**ORDER TO SEND PLAINTIFF
TWO SUBPOENAS; DENYING
MOTION TO FILE DEPOSITIONS**

Re: Dkt. No. 64

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that three Doe defendants failed to protect him from an assault by other inmates. While this claim is sufficient to proceed plaintiff must provide the identities of the defendants for service. Plaintiff was informed that he may seek such information through the California Public Records Act or any other means available such as seeking reports from his central file concerning the incident. Plaintiff may also use a Court subpoena which the Court provided with instructions. Plaintiff sent a letter stating that he did not receive the subpoena, therefore the Court will resend it.

Plaintiff has also filed a motion for leave to file depositions. However, there are no served defendants in this case. Warden Lewis was previously a defendant and counsel made an appearance, but Lewis was dismissed from this case which was upheld on appeal. Docket No. 58. Because there are no served defendants in this action, plaintiff's motion for depositions is denied. Plaintiff may engage in discovery once the defendants have been served.


CONCLUSION

1. Plaintiff's motion for depositions (Docket No. 64) is **DENIED**.
2. As a pro se litigant, plaintiff needs the Court's Clerk to issue a subpoena. Fed. R. Civ.

P. 45(a)(3). Therefore, the Clerk shall send to plaintiff **2 blank records subpoena** forms for plaintiff to fill out and return to the Court so that the Clerk may issue the subpoena and the Marshal may serve it on the subpoenaed party. Plaintiff needs to fill in all of the necessary information, but must leave the signature line blank so that the Clerk may sign it.

IT IS SO ORDERED.

Dated: July 7, 2016



JAMES DONATO
United States District Judge

United States District Court
Northern District of California

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CERTIFICATE OF SERVICE

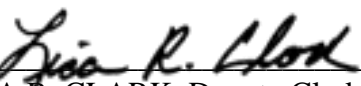
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 7, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John D. Lambertson ID: V92821
Kern Valley State Prison
P.O. Box 5103
Delano, CA 93216

Dated: July 7, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO